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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,827	09/26/2001	Bruce A. Sullenger	180/124/2	1175

25297 7590 11/09/2006

JENKINS, WILSON, TAYLOR & HUNT, P. A.
3100 TOWER BLVD
SUITE 1200
DURHAM, NC 27707

EXAMINER

MCGARRY, SEAN

ART UNIT PAPER NUMBER

1635

DATE MAILED: 11/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

09/963,827

Examiner

Applicant(s)

SULLENGER ET AL.

Art Unit

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 27 July 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☒ 3. Amendments to the drawings:
- ☒ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

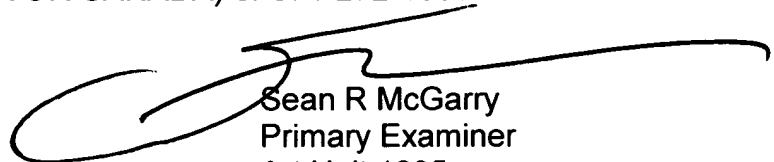
Response to Amendment

The reply filed on 7/27/06 is not fully responsive to the prior Office Action, mailed 6/26/06 (please see for information regarding sequence rules), because of the following omission(s) or matter(s): See the attached RAW SEQUENCE ERROR REPORT. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean R. McGarry whose telephone number is (571) 272-0761. The examiner can normally be reached on M-Th (6:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Paras can be reached on (571) 272-4517. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sean R McGarry
Primary Examiner
Art Unit 1635

STIC Biotechnology Systems Branch

RAW SEQUENCE LISTING **ERROR REPORT**

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: _____

Source: _____

Date Processed by STIC: _____

09/963,827C
JFW/6
07/31/2006

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE **CHECKER VERSION 4.4.0 PROGRAM**, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebs/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/10/06



IFW16

RAW SEQUENCE LISTING

DATE: 07/31/2006

PATENT APPLICATION: US/09/963,827C

TIME: 08:45:06

Input Set : A:\180-124-2 updated 05-03-02 rna aptamers ST25.txt

Output Set: N:\CRF4\07312006\I963827C.raw

3 <110> APPLICANT: Duke University
 4 Sullenger, Bruce
 5 Rusconi, Christopher
 7 <120> TITLE OF INVENTION: RNA APTAMERS AND METHODS FOR IDENTIFYING THE SAME
 9 <130> FILE REFERENCE: 180/124/2
 11 <140> CURRENT APPLICATION NUMBER: 09/963,827C
 12 <141> CURRENT FILING DATE: 2001-09-26
 14 <150> PRIOR APPLICATION NUMBER: 60/235,654
 15 <151> PRIOR FILING DATE: 2000-09-26
 E--> 17 <160> NUMBER OF SEQ ID NOS: 227 → found 243
 19 <170> SOFTWARE: PatentIn version 3.0

ERRORED SEQUENCES

**Does Not Comply
 Corrected Diskette Needed**

RAW SEQUENCE LISTING ERROR SUMMARY
PATENT APPLICATION: US/09/963,827C

DATE: 07/31/2006
TIME: 08:45:07

Input Set : A:\180-124-2 updated 05-03-02 rna aptamers ST25.txt
Output Set: N:\CRF4\07312006\I963827C.raw

Invalid <213> Response:

Use of "Artificial" only as "<213> Organism" response is incomplete,
per 1.823(b) of New Sequence Rules. Valid response is Artificial Sequence.

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Seq#:226,227

VERIFICATION SUMMARY

PATENT APPLICATION: US/09/963,827C

DATE: 07/31/2006

TIME: 08:45:07

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Output Set: N:\CRF4\07312006\I963827C.raw

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 L:328 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:15 after pos.:0
 L:534 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:25 after pos.:0
 L:1567 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:80
 L:2041 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:106 after pos.:0
 L:2299 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:120 after pos.:0
 L:2395 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:125 after pos.:0
 L:2563 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:134 after pos.:0
 L:2677 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:140 after pos.:0
 L:17 M:203 E: No. of Seq. differs, <160> Number Of Sequences:Input (227) Counted (243)